

**DOE TEC Tribal Topic Group Meeting Summary  
Atlanta, GA – January 31, 2007**

**Session Chaired by: Jay Jones (DOE, Office of Civilian Radioactive Waste Management, OCRWM)**

**Regular Members in Attendance: Kenny Anderson (Las Vegas Paiute Tribe), Richard Arnold (Las Vegas Indian Center/Pahrump Paiute Tribe), Tony Boyd (Pueblo of Acoma), Rob Burnside (Confederated Tribes of the Umatilla Indian Reservation, CTUIR), Floyd Chaney (Mohegan Tribe), Sandra Covi (Union Pacific Railroad), Martha Crosland (DOE/Office of General Counsel, GC), Kristen Ellis (DOE/Intergovernmental and External Affairs, CI), Frank Gavigan (Mohegan Tribe), Ed Gonzales (ELG Engineering/Pueblo de San Ildefonso), Robert Gruenig (National Tribal Environmental Council, NTEC), Paloma Hill (OCRWM Intern), Judith Holm (OCRWM), Gayl Honanie (Hopi Tribe), Lisa Janairo (Council of State Governments Midwest, CSG-MW), Marsha Keister (Idaho National Laboratory), Pete Kasero (Pueblo of Laguna), Joe Kennedy (Timbisha Shoshone Tribe), Brice Kindred (National Conference of State Legislatures, NCSL), Daniel King (Oneida Nation of Wisconsin), Angela Kordyak (DOE/GC), Sue Loudner (Pueblo of Acoma), Bob Lupton (DOE Yucca Mountain Project), Corinne Macaluso (OCRWM), Kevin Mariano (Pueblo of Acoma), Linda Minton (Emergency Nurses Association), James Montague (Quechan Tribe), Michele (Titto) Moses (CTUIR), Stanley Paytiamo (Pueblo of Acoma), Willie Preacher (Shoshone-Bannock Tribes), Maynard Rave, (Ho-Chunk Nation), Vernon Smith (Quechan Tribe), Bill Spurgeon (DOE/Office of Environmental Management, EM), Kevin Tafoya (Santa Clara Pueblo), Ken Tiller (Pueblo of Laguna), Roger Tungovia (Hopi Tribe), Neil Weber (Pueblo de San Ildefonso), Christopher Wells (Southern States Energy Board), Stephen White (National Association of Emergency Medical Technicians, NAEMT), Edward Wilds (CSG-Eastern Regional Council, ERG), Sara Wochos (CSG-MW)**

**Numerous other guests and contractor staff also attended.**

**Meeting Summary**

A record 21 tribal representatives participated in the Tribal Topic Group meeting. Discussions were led by Jay Jones (DOE/OCRWM). Following a brief welcome by Jay, Stanley Paytiamo of the Pueblo of Acoma delivered an opening prayer. Discussions proceeded as follows:

**Office of Civilian Radioactive Waste Management (OCRWM) Overview**

Jay gave a short presentation to introduce newcomers to the OCRWM Program and to update old hands (slides will be posted on the TEC Website). DOE and support staff have begun calling the 46 potentially impacted tribes, including the additional 10 tribes added as a result of the Mina corridor, to get them more involved in OCRWM activities and to inform tribes of the upcoming Tribal Transportation Workshop being planned for April.

OCRWM Director, Ward Sproat, has outlined four strategic objectives for accomplishing OCRWM's Program mission:

- Submit a high-quality, docketable license application to the Nuclear Regulatory Commission (NRC) by June 30, 2008.
- Supply the OCRWM organization with the skills and culture needed to operate with safety, quality, and cost effectiveness.
- Address the Government's mounting liability associated with unmet contractual obligations to move spent fuel from nuclear plant site.
- Develop and implement a comprehensive national spent fuel transportation plan that accommodates state, tribal, and local concerns to the extent possible.

In April 2004, DOE published a decision of mostly rail as the transport mode; selected the Caliente rail corridor as the one in which to determine a rail alignment for construction and operation of a rail line in Nevada; and issued a Notice of Intent (NOI) in the *Federal Register* to prepare a rail alignment environmental impact statement (RA-EIS). In October 2006, DOE issued an amended NOI to include the Mina corridor in the RA-EIS, a draft of which is expected in 2007. Dedicated trains will be used to ship nuclear waste to the repository at Yucca Mountain.

OCRWM's Office of Logistics Management (OLM) is responsible for designing and developing a safe, secure, and efficient transportation system. The office is organizationally focused on Nevada rail, fleet acquisition, operations, and institutional activities. OLM is using a collaborative approach for tribal outreach, recognizing tribal sovereignty and supporting a government-to-government relationship. One of the vehicles used by OCRWM is the Transportation External Coordination Working Group or TEC, which was founded in 1992 to improve coordination between DOE and states, tribes, and other stakeholders. OCRWM co-chairs TEC with DOE's Office of Environmental Management (EM). The TEC Tribal Topic Group, a subset of the larger organization, was established in 1998, and plays a key role in OCRWM's tribal outreach along potential transportation routes. OCRWM continues to solicit greater tribal participation in TEC and the Tribal Topic Group. Topic Group members provide input to OCRWM on a host of transportation issues including approaches for engaging tribes along potential routes, funding and technical assistance for emergency response training through Nuclear Waste Policy Act (NWPA) Section 180(c), and route identification methods.

Jay wrapped up the OCRWM overview by stating that OCRWM will continue to rely on relationships developed through TEC and past DOE shipping campaigns to further tribal outreach efforts. Collaboration with tribes and other stakeholders is important for the Program's success.

#### DOE Tribal-related News

Kristen Ellis is the Acting DOE Tribal Liaison, Office of Congressional and Intergovernmental Affairs. An *Implementation Framework* for the DOE Indian Policy has been drafted by EM and is in the concurrence process. Brandt Petrsek (DOE/EM) is the point-of-contact for this effort. He can be reached by phone at 202-586-4818 or email at [albert.petrsek@em.doe.gov](mailto:albert.petrsek@em.doe.gov).

The *Implementation Framework* document has been shared with members of the DOE State and Tribal Government Working Group (STGWG) and is being adopted by DOE's Offices of Nuclear Energy, National Nuclear Security Administration, and Office of Science. OCRWM will likely create its own but similar document and will engage the Tribal Topic Group in its development.

#### NV Tribal Activities

Bob Lupton (DOE/NV) invited Tribal Topic Group members to tour Yucca Mountain. He mentioned that most of the communication between DOE and tribes regarding Yucca Mountain is on a technical staff-to-

staff working basis and not true government-to-government consultation.

Greg Fasano (Bechtel SAIC Company, BSC) gave a short presentation on the NV Native American Interaction Program (slides will be available on the TEC Website), the purpose of which is to:

“conduct ongoing interactions with tribes and organizations having cultural and historic ties to the Yucca Mountain area and to initiate programmatic outreach efforts with tribes whose reservation lands are in close proximity to proposed transportation corridors in Nevada.”

Greg reported that the Native American Interaction Program was initiated in 1987 through ethnographic research conducted to identify tribes with cultural ties to the Yucca Mountain area. Seventeen tribes and organizations make up the Consolidated Group of Tribes and Organizations (CGTO), encompassing three ethnic groups from NV, CA, AZ and UT. Accomplishments by the Official Tribal Contact Representatives (OTCRs) in this Program include regular tribal update meetings, site visits and field trips, special subgroup projects, Native American monitors, document preparation, and the adoption of protective measures for archaeological and cultural resources. The American Indian Writers Subgroup (AIWS), part of the Native American Interaction Program, includes representation from the CGTO ethnic groups and has participated in field trips along the Caliente corridor. The AIWS also developed an EIS reference document, which Greg will make available to anyone who wants a copy. Chairman Joe Kennedy of the Timbisha Shoshone Tribe commented that the reference document entailed a 3-day meeting and a 2-day site visit, not sufficient time in his view. For the Mina rail corridor, Greg reported DOE will use the same process as for the Caliente analysis. A meeting for Native Americans was held in Pahrump in September to accept scoping comments on the Mina portion of the rail EIS and the Supplemental EIS for the repository. He said that DOE has been asked to interact with additional tribes along the Mina route while working with county governments. Ten additional tribal entities will need to be contacted along the planned new construction portions of the Mina route. The AIWS has plans to incorporate the Northern Paiute, conduct field trips along the Mina corridor, and prepare an EIS reference document on the Mina route similar to the one prepared for the Caliente route.

#### Other Tribal Comments and Questions

The issue of the ½ mile limit was brought up again by tribal representatives. Jay said that DOE will work with other tribes on a case-by-case basis. Vernon Smith (Tribal Administrator for the Quechan Indian Tribe) raised the issue of ancestral lands and potential impacts of the Yucca Mountain shipments. He said that tribal areas need to be protected. Jay Jones acknowledged the viewpoint, stating that DOE needs to work with individual tribes on such issues. Bob Lupton said the Secretary of Interior defines affected tribe status, not DOE. Robert Halstead (NV) said it is incumbent on DOE to make the Department of the Interior (DOI) aware of impacts on tribes outside the ½ mile limit.

Another participant asked if the water table below the repository at Yucca Mountain is a primary water source for nearby communities. Bob Lupton replied that local counties are doing water studies. A question was also raised about the earthquakes and faults and the possible impact on disposal at Yucca Mountain. Bob Lupton asked that he be contacted by email with questions.

Participants wanted to know how many tribes have approved what DOE is doing at Yucca Mountain. Bob Lupton answered that the tribes in NV are formally on record against placing waste there. Greg Fasano said every DOE document about Yucca Mountain relating to tribal interests states the tribal disagreement

with siting and operating the repository at Yucca Mountain.

Other participants said DOE has not lived up to laws on government-to-government consultation. Chairman Kennedy cited tribal legends about the sacred “Snake Mountain” (Yucca Mountain) rising up in vengeance. He said that the Earth has its own LAWS (Land, Air, Water and Sun) and we need to listen.

He has 2 one-page documents available that explain the struggles in Shoshone country.

Tribal members wanted to know what input tribes had to development of the Nuclear Waste Policy Act. Several opinions were offered and it was agreed some research into the issue is needed.

#### 180(c) Status

Lack of time did not allow commentary on this subject. A paper on 180(c) and appendices were distributed prior to the meeting. DOE is looking at the Needs Assessment approach for Tribal funding. This issue will be discussed at Tribal Transportation Workshop in April.

#### Tribal Transportation Workshop

Cori Macaluso led this discussion. About 46 tribes are being contacted about the workshop. Six remain to be contacted. Paloma Hill (intern) distributed a proposed agenda for the workshop and asked for comments. The meeting will likely be held in April in Denver. The idea of a local tribe hosting a centrally located workshop was raised. The expected participation, including tribes and DOE is about 100 people. The workshop will last about 3 days and should include a tribal caucus before the general meeting, in addition to the one listed on the draft agenda.

Ed Gonzales asked for a matrix of past issues tribes have brought up to DOE and a history of key decisions made by DOE and Congress related to tribes and transportation.

A tribal forum to get information and discuss the workshop agenda was requested. Tribes also requested information on Yucca Mountain and related policies, etc., before the workshop.

Additional comments on the proposed agenda should be sent to: [paloma.hill@rw.doe.gov](mailto:paloma.hill@rw.doe.gov). A phone call or interim meeting will be set up to discuss the agenda. The location needs to be decided upon by the middle of February in order to accommodate logistical planning.

#### Action Items

- Conduct basic research into tribal input for Nuclear Waste Policy Act (OCRWM staff).
- Send out information in advance of workshop (OCRWM staff).
- Conduct interim meeting or conference call to work on agenda for workshop (OCRWM staff).